UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,951	10/07/2005	Geert Kleinhuis	TNO-9(P64052US00)	1665

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ART UNIT	PAPER NUMBER
2131	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/534,951	KLEINHUIS ET AL.
Office Action Summary	Examiner	Art Unit
	BRYAN WRIGHT	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *07 October 2005*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-14* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *16 May 2005* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some * c) ☐ None of:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *10/7/2005*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to application filed October 7, 2005. Claims (1-14) are

pending.

Priority

2.   Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) - (d) is

acknowledged.

The application is filed on October 7, 2005 but is a 371 case of PCT/NL03/00808

application filed 11/18/2003 and has a foreign priority application filed on 11/18/2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-10, and 12-14 rejected under 35 U.S.C. 102(b) as being anticipated by

Atkinson et al. (US Patent No. 5,892,904 and Atkinson hereinafter (cited from IDS)).

4.   As to claim 1, Atkinson teaches a **method for distribution of software**

components, comprising deriving a first software component identifier from a

relevant software component (i.e., ... teaches code certification [col. 5, lines 64-67])**;**

creating integrity test data by performing an integrity test on the software component (i.e., Atkinson teaches a publisher signature used for integrity and authentication [col. 6, lines 20-30]);

creating an integrity certificate comprising the integrity test data using the first software component identifier by the integrity certificate originator (col. 6, lines 59-67);

retrieving the software component by a user's computer (3) (i.e., Atkinson teaches a user receives an executable [col. 7, lines 30-35]);

deriving (i.e., compute) **by the user's computer (3) a second software component identifier from the downloaded software component** (i.e., Atkinson teaches a root key used for decrypting digital certificate [col. 7, lines 10-20]);

retrieving the integrity certificate by the user's computer (3) using the second software component identifier (i.e., Atkinson teaches the digital certificate is decrypted using a decryption key for which the publisher signature (i.e., integrity and authentication) is obtained [col. 7, lines 50-55]);

disclosing the integrity test data to a user by the user's computer (3) (i.e., Atkinson teaches notifying the user if the signature is invalid [col. 7, lines 65 -67]).

5.   As to claim 2, Atkinson teaches a **method further comprising registering in a certificate register (4) the integrity certificate of the relevant software component using the first software component identifier** (i.e., Atkinson teaches a publisher certificate issued by certification authority or agency [col. 6, lines 44-60]).

6.   As to claim 3, Atkinson teaches a **method where the retrieving of the integrity certificate comprises the accessing of the certificate register** (i.e., Atkinson teaches maintaining a list of valid certificate [col. 21, lines 60-67].

7.   As to claim 4, Atkinson teaches a method **further comprising verifying the identity of the integrity certificate originator** (i.e., Atkinson teaches certification agency's identifier [col. 6, lines 64-67])

8.   As to claim 5, Atkinson teaches a **method further comprising adding a digital signature to the integrity certificate** (i.e., Atkinson teaches a signature of cert. authority [col. 7, lines 4-6]).

9.   As to claim 6, Atkinson teaches a **method comprising verifying the digital signature** [fig. 6; col. 7, lines 23-30].

10.   As to claim 7, Atkinson teaches a **method further comprising matching the retrieved integrity data to a user's preferred requirements** (i.e., Atkinson teaches a matching the hash of the computed digest at the recipient computer [col. 8, lines 5-21]).

11.   As to claim 8, Atkinson teaches a **method where the relevant integrity certificate is retrieved from a register at the user's side** (i.e., Atkinson teaches a certification from authority or agency [col. 6, lines 49-52]).

12.   As to claim 9, Atkinson teaches a **method where the relevant integrity certificate is retrieved from the relevant software component supplier's computer** (i.e., Atkinson teaches a certification from authority or agency [col. 6, lines 49-52]).

13.   As to claim 10, Atkinson teaches a **method where the relevant integrity certificate is retrieved from a trusted certificates originator's computer** (i.e., Atkinson teaches a certification from authority or agency [col. 6, lines 49-52]).

14.   As to claim 12, Atkinson teaches a **server (4), arranged for deriving a first software component identifier from a relevant software component;**

        creating integrity test data (i.e., signature) **by performing an integrity test on the software component** (i.e., Atkinson teaches a signature used to ensure authenticity and integrity [col. 7, lines 25-30]);

        creating an integrity certificate comprising the integrity test data by a certificate originator (col. 6, lines 59-67; col. 7, lines 1-10);

        labeling the integrity certificate with the first software component identifier by the integrity certificate originator (i.e., Atkinson teaches a signature in the header or file [col. 7, lines 35-40]);

allowing the retrieval of the software component by a user's computer (3)

(i.e., Atkinson teaches a user receives an executable [col. 7, lines 30-35]);

allowing the retrieval of the integrity certificate by the user's computer (3)

using the second software component identifier (i.e., Atkinson teaches the

certificate is decrypted using a decryption key [col. 7, lines 50-55]).

15.   As to claim 13, Atkinson teaches a **user's computer (3), arranged for**

retrieving a software component by a user's computer (3);

deriving by the user's computer (3) second software component identifier

from the downloaded software component (i.e., Atkinson teaches a root key used

for decrypting digital certificate [col. 7, lines 10-20]);

retrieving the integrity certificate using the software component identifier

(i.e., Atkinson teaches using the root public to decrypt digital certificate to retrieve the

integrity certificate (e.g., signature) [col. 7, lines 50-55]);

disclosing integrity test data to a user (i.e., Atkinson teaches notifying the

user if the signature is invalid [col. 7, lines 65 -67]).

16.   As to claim 14, Atkinson teaches a **data carrier such as a magnetic or optical**

disk, comprising a computer program for installation on a user's computer (3), for

arranging the user's computer (3) to perform the steps of:

retrieving a software component by a user's computer (3) (i.e., Atkinson

teaches a user receives an executable [col. 7, lines 30-35]);

deriving by the user's computer (3) a software component identifier from

the retrieved software component (i.e., Atkinson teaches a root key used for

decrypting digital certificate [col. 7, lines 10-20]);

retrieving the integrity certificate using the software component identifier

(i.e., Atkinson teaches using the root public to decrypt digital certificate to retrieve the

integrity certificate (e.g., signature) [col. 7, lines 50-55]);

disclosing integrity test data to a user (i.e., Atkinson teaches notifying the

user if the signature is invalid [col. 7, lines 65 -67]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

17.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson

in view of Shetty et al. (US Patent No. 6,799,197 and Shetty hereinafter).

18.   As to claim 11, the system disclose by Atkinson shows substantial features of

the claimed invention (discussed in the paragraphs above), It fails to disclose:

A method where the integrity certificate is mailed through email to the

user's computer (3) (claim 11).

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Atkinson as introduced by Shetty. Shetty

discloses:

A method where the integrity certificate is mailed through email to the

user's computer (3) (claim 11) (to provide email distribution capability [abstract

lines 13-27].

Therefore, given the teachings of Shetty, a person having ordinary skill in the art at the

time of the invention would have recognized the desirability and advantage of modifying

Atkinson by employing the well known features of content distribution utilizing email

disclosed above by Shetty, for which software distribution will be enhanced [abstract lines 13-27].

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/

Examiner, Art Unit 2131

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2131